

OCAP Integrated Annual Review

Background/Purpose

NOAA's National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) have each issued Biological Opinions on long-term operations of the Central Valley Project (CVP) and State Water Project (SWP, hereinafter CVP/SWP; OCAP Opinions) that include Reasonable and Prudent Alternative (RPA) actions designed to alleviate jeopardy to listed species and adverse modification of critical habitat. NMFS' RPA requires the U.S. Bureau of Reclamation (USBR) and NMFS to host a workshop no later than November 30 of each year to review the prior water year's operations and to determine whether any measures prescribed in the RPA should be altered in light of information learned from the prior year's operations or research (NMFS' OCAP Opinion, section 11.2.1.2, starting on page 583). Under direction from the Secretaries of Commerce and Interior this review has been expanded to include a review of the implementation of the USFWS OCAP Opinion. The intent of the annual review is to inform NMFS and USFWS as to the efficacy of the prior year's water operations and regulatory actions prescribed by their respective RPAs, with the goal of developing lessons learned, incorporating new science, and making appropriate scientifically justified adjustments to the RPAs or their implementation to support 2011 real-time decision making.

The purpose of both OCAP Opinions is to present the responsible agency's biological opinion on whether the USBR's long-term operations of the CVP/SWP is likely to jeopardize the continued existence or adversely modify the designated critical habitat for the ESA listed species under each agency's jurisdiction. Both OCAP Opinions prescribe RPAs to minimize CVP/SWP operations related effects to the level where these effects do not appreciably reduce the likelihood of jeopardizing the continued existence of ESA listed species or adversely modifying critical habitat. The specific RPA Actions in NMFS' OCAP Opinion (Section 11.2, pages 581-671) include both broad and geographic division specific RPA Actions. The specific RPA Actions in the USFWS' OCAP Opinion (Appendix B, pages 324-381) are organized by Delta smelt life stages. The RPA Actions in both OCAP Opinions provide specific objectives, scientific rationales, and implementing procedures.

Since the OCAP Opinions were issued, NMFS and USFWS have been performing scientific research and monitoring in concordance with the implementation of the RPA implementing procedures. Technical teams and/or working groups, including the geographic divisions specified in the NMFS' OCAP Opinion, have summarized their data and results following implementation of the RPA Actions within technical reports. The data and summary of findings related to the implementation of the RPAs provide the context for scientific review regarding the effectiveness of the RPA Actions for minimizing the risk to ESA listed species and critical habitat related to the operations of the CVP/SWP.

The Delta Science Program (DSP), consistent with its mission to provide the best available scientific information to assist decision making in the Delta, and in conjunction

with NMFS and USBR, is employing the services of an independent peer review panel to provide independent scientific advice to assist with reviewing the effectiveness of the implementation of the OCAP RPAs. The role of the Independent Review Panel (IRP) members is to provide balanced, considered, and constructive technical advice to the agencies involved in implementing the OCAP RPAs. Exhibit A, Attachment 1 provides the detailed Charge to the IRP, which defines the IRP members' roles and responsibilities.